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STATEMENT OF CONGRESSMAN ED CASE OF HAWAII WEDNESDAY, JULY 27, 2005

INTRODUCTION OF THE HAWAII INVASIVE SPECIES PREVENTION ACT

Mr. Speaker, I rise today to introduce a crucial and long-overdue measure to address directly what is far and away the most serious threat to my Hawaii's unique and treasured environment: The escalating introduction and establishment of invasive species.

Non-endemic species have done great damage to Hawaii's exposed and non-resistant plants and animals for a long time now. But the sheer rate at which it is now accelerating presents a true crisis, threatening now to completely overwhelm and permanently preclude our ability to provide any modicum of protection, and demanding that we go in a whole different direction of affirmative prevention.

Hawaii is the most remote populated land mass on our planet. Our islands' native species thus evolved in isolation, which led to the generation of species entirely unique to particular islands and found nowhere else in the world. In fact, such species are still being discovered in Hawaii. For example, the current issue of the journal *Science* reports on a unique web-spinning caterpillar recently discovered in Hawaii that stalks and eats snails.

But more than 5,000 species of non-native plants and animals have become established in the Hawaiian islands in the past 200 years, a rate of successful colonization of a new specie every 18 days. This is in astonishing contrast to the estimated rate of introduction to Hawaii through

natural evolution of one specie every 25,000 to 50,000 years.

Not all of these new species become pests, but too many do and the consequences are devastating given Hawaii's globally unique and fragile natural environment. As a result, non-native invasive species and diseases represent the single greatest threat to Hawaii's endangered species and the health and viability of our natural systems. Because of the islands' geographic isolation, many species do not have natural predators, and so defense mechanisms like thorns, odors, or toxins have disappeared through the process of evolution. If an aggressive non-native specie becomes established in Hawaii, it can easily overwhelm native species and be very difficult to eradicate because of our hospitable climate and lack of natural competitors.

Thus, Hawaii is most regrettably the undisputed endangered species capital of the United States, if not the world. Our 255 listed plant species represent approximately one-fourth of the total number of endangered species in the United States. They also comprise more than one-fifth of the entire Hawaiian flora. And Hawaii's beautiful endemic birds make up one-third of the list of U.S. endangered bird species. Many of these birds only exist on one island. What's more shocking is that this disproportionate situation exists in a state with a land area that represents less than two-tenths of one percent of the entire Nation's land mass.

Just 10 years ago, in 1994, the Federal Office of Technology Assessment declared Hawaii's alien pest species problem as the worst in the Nation. Since then, however, the problem of alien pests--from the Formosan termite to the Oriental fruit fly to marine species brought in with bilge water--has worsened considerably, not only costing Hawaii government and business millions of dollars each year in both prevention and remediation, but assuring that many of the world's most unique and endangered lifeforms will not survive. At this point, the introduction and establishment of even one new pest, such as the brown tree snake, which has eliminated the native birdlife of Guam, would change the character of Hawaii forever.

This is obviously a grim picture, but nothing like the future picture if we don't wake up and change our entire approach. For the escalation of travel, commerce and defense activity across the Asia-Pacific region, combined with Hawaii's position as the crossroads of the Pacific and the gateway between Asia and the Pacific and the United States, makes it critical, from not only an environment/conservation perspective but one of economic and human health, that new pests be stopped before they come to Hawaii. Thus, Hawaii must be far better protected from pests and diseases moving west to east, but also those that have become established on the U.S. mainland, such as the red imported fire ant and the West Nile virus.

Our tropical climate and lack of a cold season mean that introduction of a disease such as West Nile virus would be especially severe, with devastating effects not only on our endangered birds but on our visitor industry, which is essential to our economy. The entry of biting sand flies, for instance, would greatly damage Hawaii's appeal as a visitor destination and forever alter our quality of life. The introduction into Hawaii of Africanized honeybees would not only represent a human health hazard, but would endanger Hawaii's pure, undiseased (though non-native) bees. (Hawaii's honeybees are also free of Varroa mites, which are common throughout the U.S. and much of the world.)

The current poster child for invasive species in Hawaii is an animal that hitchhiked from Puerto Rico in uninspected tropical plants. The coqui frog now threatens the viability of Hawaii's vital nursery export industry as well as threatened and endangered species in our native ecosystems. Its extremely loud mating call (90 decibels, equivalent to a lawnmower) is now seriously impacting our tourist industry and depressing land values in some areas. And the list goes on.

It's not as if we can't all see the problem, and we have had some nominal measures in place for decades aimed at controlling the introduction of unwanted alien species (at least under some entry conditions). Obviously, however, what amounts largely to an honor system, combined with inadequate resources devoted to inspection and enforcement, is not sufficient to do what must be done.

We have two things going for us. First, our location in the middle of the ocean, provides us with far better control over movement of invasives across our borders than, say, a landlocked Midwest state. Second, we have a solution, which has proven effective, staring us in the face.

For more than 40 years, a Federal quarantine has been imposed in Hawaii on the movement of all passengers and cargo from Hawaii to the U.S. mainland to protect the U.S. mainland from identified insect pests in Hawaii, such as the Mediterranean fruit fly. Ironically, these pests are themselves invasive to Hawaii, causing millions in agricultural losses and added treatment costs for our export crops. Under this system, passenger baggage and cargo is physically inspected by USDA inspectors using advanced inspection equipment; most passengers don't give the process a second thought.

A similar, more comprehensive, system is already in place for a whole country--New Zealand--which as a remote island nation with disproportionately high and exposed endemic species bears striking similarities to Hawaii. New Zealand "white lists" designate permissible import species, say no to everything else, and then inspect on arrival for enforcement.

But ironically Hawaii, which has a much more acute overall problem than either the U.S. mainland or New Zealand, has found it very difficult to fashion and implement a similar prevention regime. Part of the problem has been general denial and nay saying. But a more tangible obstacle has been federal laws that arguably preempt State of Hawaii efforts to control the movement of goods. These arise under the Commerce Clause, which requires a state to consider the burdens its regulations may impose on interstate commerce, and the Supremacy Clause, which may preempt state regulation in an area where Congress has already legislated.

My bill--the Hawaii Invasive Species Prevention Act--may be condensed into this simple statement: what is good for the U.S. mainland should be good for Hawaii. The bill basically establishes certain federal findings and authority under which Hawaii may institute an incoming quarantine and inspection regime comparable to that existing for the movement of people and cargo from Hawaii to the mainland.

Specifically, the bill starts by expressing the clear sense of Congress that there exists a pressing need for improved and better coordinated control, interdiction, and eradication of invasive species and diseases to prevent their introduction into Hawaii. The bill states that it is the policy of the United States to fund and support coordinated and concerted programs and activities to control, interdict, and prevent the introduction and spread of invasive species into Hawaii, and that no federal agency may authorize, fund, or carry out actions that would cause or promote the introduction or spread of invasive species and disease into Hawaii.

The bill goes on to direct the Secretaries of Agriculture and Interior to impose a quarantine on the State of Hawaii in order to prevent the introduction of invasive species and diseases in Hawaii. The Secretaries are directed to establish a system of post-arrival protocols for all persons, baggage, cargo, containers, packing materials, and other items traveling or being shipped to Hawaii from domestic or foreign locations. The Secretaries are further directed to establish an

expedited process for the State of Hawaii to seek approval to impose general or specific prohibitions on the introduction or movement of invasive species or diseases that are in addition to any prohibitions or restrictions imposed by the Secretaries, which may encompass a white list approach. And in cases of imminent threat, the State of Hawaii is authorized to impose, for not longer than 2 years pending approval by the Secretaries, general or specific prohibitions or restrictions upon the introduction or movement of a specific invasive species or disease.

Actual implementation of the Federal quarantine would be subject to funds being specifically appropriated, or designation of a means to finance the system (for example, a means of financing similar to that now utilized by the USDA for its outgoing quarantine). However, the design of the system and the expedited process under which the State of Hawaii can seek approval for additional protections would not be subject to appropriations. Finally, the bill authorizes Federal quarantine, natural resource, conservation, and law enforcement officers and inspectors to enforce Hawaii state and local laws regarding the importation, possession, or introduction of invasive species or diseases.

Mr. Speaker, I end my remarks where I started: this bill is not only light years overdue, but crucial, if not indispensable, to the preservation and enhancement of my Hawaii as we know it. I ask for my colleagues' expedited support.